
HOUSE BILL 2211

State of Washington

53rd Legislature

1994 Regular Session

By Representatives R. Meyers, Padden, Appelwick, Wineberry, J. Kohl and Johanson

Read first time 01/11/94. Referred to Committee on Judiciary.

1 AN ACT Relating to imposition of costs; and amending RCW 10.01.160.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 **Sec. 1.** RCW 10.01.160 and 1991 c 247 s 4 are each amended to read
4 as follows:

5 (1) The court may require a ((convicted)) defendant((, or defendant
6 granted a deferred prosecution under chapter 10.05 RCW,)) to pay costs.
7 Costs may be imposed only upon a convicted defendant, except for costs
8 imposed upon a defendant's entry into a deferred prosecution program or
9 costs imposed upon a defendant for preparing and serving a warrant for
10 failure to appear.

11 (2) Costs shall be limited to expenses specially incurred by the
12 state in prosecuting the defendant or in administering the deferred
13 prosecution program under chapter 10.05 RCW. They cannot include
14 expenses inherent in providing a constitutionally guaranteed jury trial
15 or expenditures in connection with the maintenance and operation of
16 government agencies that must be made by the public irrespective of
17 specific violations of law. Expenses incurred for serving of warrants
18 for failure to appear and jury fees under RCW 10.46.190 may be included
19 in costs the court may require a ((convicted)) defendant to pay. Costs

1 for administering a deferred prosecution may not exceed one hundred
2 fifty dollars. Costs for preparing and serving a warrant for failure
3 to appear may not exceed one hundred dollars. Costs imposed constitute
4 a judgment against a defendant and survive a dismissal of the
5 underlying action against the defendant.

6 (3) The court shall not sentence a defendant to pay costs unless
7 the defendant is or will be able to pay them. In determining the
8 amount and method of payment of costs, the court shall take account of
9 the financial resources of the defendant and the nature of the burden
10 that payment of costs will impose.

11 (4) A defendant who has been sentenced to pay costs and who is not
12 in contumacious default in the payment thereof may at any time petition
13 the sentencing court (~~((which sentenced him))~~) for remission of the
14 payment of costs or of any unpaid portion thereof. If it appears to
15 the satisfaction of the court that payment of the amount due will
16 impose manifest hardship on the defendant or (~~((his))~~) the defendant's
17 immediate family, the court may remit all or part of the amount due in
18 costs, or modify the method of payment under RCW 10.01.170.

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